

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SUSANNA MIRKIN and BORIS MIRKIN,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

XOOM ENERGY, LLC and XOOM ENERGY
NEW YORK, LLC,

Defendants.

No. 18 Civ. 2949 (ARR) (RER)

NOTICE OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that on May 5, 2023, or as soon thereafter as counsel may be heard, the undersigned counsel for Defendants XOOM Energy, LLC and XOOM Energy New York, LLC will move before the Honorable Allyne R. Ross for an order granting summary judgment in their favor on the claims of Plaintiffs Susanna and Boris Mirkin. *See* Fed. R. Civ. P. 56(a).

PLEASE TAKE FURTHER NOTICE that in support thereof, the undersigned shall rely upon the annexed memorandum of law; statement of material facts; declaration of Michael D. Matthews, Jr. with exhibits; and the pleadings and other documents filed in this case.

Dated: March 8, 2023

MCDOWELL HETHERINGTON LLP

/s/ Michael D. Matthews, Jr.

Michael D. Matthews, Jr.

Diane S. Wizig (admitted *pro hac vice*)

James M. Chambers (admitted *pro hac vice*)

David L. Villarreal (admitted *pro hac vice*)

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*Attorneys for Defendants XOOM Energy, LLC
and XOOM Energy New York, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the 8th day of March, 2023 via email on all counsel of record.

/s/Michael D. Matthews, Jr.
Michael D. Matthews, Jr.